

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. SMOKE DETECTORS.
6. NATIONAL FIRE PROTECTION ASSOCIATION ONE UNIFORM FIRE CODE.
7. FIREWORKS REGULATED.

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

- 7-101. Repealed.
 7-102. Repealed.
 7-103. Repealed.
 7-104. Fire lanes.
 7-105. Deleted.

7-101. Repealed. (Ord. #97-26, April 1997, as amended by Ord. #99-31, Sept. 1999; and repealed by Ord. #2006-12, Feb. 7, 2006)

7-102. Repealed. (Ord. #97-26, April 1997; repealed by Ord. #2006-12, Feb. 7, 2006)

7-103. Repealed. (Ord. #97-26, April 1997; repealed by Ord. #2006-12, Feb. 7, 2006)

7-104. Fire lanes. (1) All premises within the City of Maryville which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire lanes shall be provided for all buildings which are set back more than 150 feet from a public road or exceed 30 feet in height and are

¹Municipal code reference

Building, utility and housing codes: title 12.

set back over 50 feet from a public road. Fire lanes shall be at least 20 feet in width with the road edge closest to the building at least 10 feet from the building. Any dead-end road more than 300 feet long shall be provided with a turn-around at the closed end at least 80 feet in diameter.

(2) The designation and maintenance of fire lanes on private property shall be accomplished as specified by the fire chief. It shall be the responsibility of the property owner or owners to properly mark fire lanes(s) as specified by the fire chief including signs and curb and parking lot striping.

(3) A written document, agreeable to the fire chief and for the benefit of the City of Maryville, may be required for emergency access over all fire lanes.

(4) It shall be unlawful for any person to park or cause to be parked a motor vehicle on, or otherwise, obstruct, in any manner, any marked fire lane in the City of Maryville. No vehicle shall be left unattended at any time in any marked fire lane within the City of Maryville.

(5) Loading and unloading on or across any marked fire lane shall be limited to only the time necessary for said purpose and the operator of such vehicle shall always be within reasonable distance of said vehicle for the purpose of removing said vehicle which is preventing complete access to the fire lane by the fire department.

(6) Whenever any motor vehicle without a driver is found parked or stopped in any marked fire lane in the City of Maryville in violation of this section, the officer finding such vehicle may affix to such vehicle a citation for the driver and/or owner to answer for such violation in accordance with § 15-703 of this municipal code, and any person, firm or corporation violating any of the parking restrictions imposed by this section shall be subject to all of the provisions of said § 15-703, shall be guilty of a misdemeanor, and shall be fined as provided in said § 15-703.

(7) Whenever any motor vehicle is found parked or stopped in any marked fire lane in the City of Maryville, or obstructing the same, the officer finding such vehicle may cause the same to be removed by towing or otherwise and the owner of such vehicle shall be liable for the cost of such removal.

(8) Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this section shall be guilty of a misdemeanor and upon conviction of any such violation other than as provided in subsection (6) hereof shall be fined under the general penalty clause for this municipal code. (1985 Code, § 7-102, as amended by Ord. #96-27, Nov. 1996)

7-105. Deleted. (as added by Ord. #2009-21, May 2009, and deleted by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted with local modifications.
- 7-202. Enforcement.
- 7-203. Available in recorder's office.
- 7-204. Violations and penalties.
- 7-205.--7-210. Deleted.

7-201. Fire code adopted with local modifications. Pursuant to authority granted by § 6-54-501 *et seq.* of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Fire Code, 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "fire code." The fire code shall not apply to one- and two-family residential dwellings. The fire code shall further be subject to the following local modifications:

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Maryville by inserting "City of Maryville" as the name of the jurisdiction.

(2) Chapter 1, Scope and Administration: Section 105 PERMITS. is hereby amended locally in the City of Maryville by inserting the following addition:

"105.2.5 Fire Prevention Committee and Issuance of Permits. The City Manager, the Fire Chief, and the Fire Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The Fire Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(3) Section 109 - Board of Appeals is deleted locally and instead the following is adopted in its place:

¹Municipal code reference

Building, utility and housing codes: title 12.

National Fire Protection Association One Uniform Fire Code: title 7, chapter 6.

"Fire Code Board of Appeals.

A Board of Appeals is hereby established to rule on matters related to this Code and its enforcement. This Board shall be comprised of the Fire Chief and the City Manager as those persons may change from time to time. Their terms shall be indefinite. No member of the Board of Appeals shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case. The Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this Code. The Board of Appeals shall provide for the reasonable interpretation of the provisions of this Code and issue rulings on appeals of decisions involving the enforcement of this Code. The ruling of the Board of Appeals shall be consistent with the letter of the Code or when involving issues of clarity, insuring that the intent of the Code is met with due consideration for public safety and firefighter safety. The Board of Appeals shall have authority to grant alternatives or modifications to procedures outlined in Section 1.4 of the Code. The Board of Appeals shall not have authority to waive requirements of the Code. Any person with standing shall be permitted to appeal a decision involving the Fire Code to the Board of Appeals when it is claimed that one of the following conditions exists:

- (1) The true intent of the Code has been incorrect interpreted.
- (2) The provisions of the Code do not fully apply.
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

An appeal shall be submitted to the Fire Chief in writing within 30 calendar days of a notification of a violation or a ruling about an issue relating to this Code. The appeal shall outline the nature of the appeal and the requested remedy. Meetings of the Board of Appeals shall be held at the time the Board of Appeals determines, and within 30 calendar days, of the filing of the notice of appeal. All hearings before the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member and any of its actions. A quorum shall consist of not less than two members. Every decision of the Board of Appeals shall be entered in the minutes of the Board meeting. A decision of the Board of Appeals shall be final subject to such remedy as the aggrieved party might have through legal, equitable or other avenues of appeal under state law of final decisions of administrative bodies."

(4) Chapter 1, Scope and Administration: Section 110.4 Violation penalties. is hereby amended locally in the City of Maryville by deleting the section in its entirety and insert in its place:

"110.4, Violation penalties. Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect,

construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the fire code official and/or the building code official, or of the permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(5) Chapter 1, Scope and Administration: Is hereby amended locally in the City of Maryville by adding this section in its entirety:

"114 VARIANCES

114.1 Application. The Fire Chief shall have power to modify any of the provisions of the fire prevention codes upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

114.2 Rejected Variances. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the city council within 30 days from the date of the decision."

(6) Chapter 1, Scope and Administration. Section 112.4 Failure to comply. The International Fire Code 2012 Edition shall be augmented in Section 111.4 to add \$50.00 per day per offense as the amount of the applicable fine.

(7) Chapter 5, Fire Service Features. Section 506.1 Where required is hereby amended locally in the City of Maryville by adding the following exception at the end of the paragraph:

Exception: Residential units without security gates, fire sprinkler system, fire alarm and not more than three stories in height are exempted from this requirement.

(8) Chapter 9, Fire Protection Systems. Section 903.2.8 Group R is hereby amended locally in the City of Maryville by adding the following exception at the end of the paragraph:

Exception: This section shall not apply to detached one and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories in height where each dwelling extends from the foundation to the roof, is open on at least two sides with each dwelling have a separate means of egress and their accessory structures as regulated by the International Residential Code 2018 Edition.

(9) Chapter 57, Flammable and Combustible Liquids. Section 5704.2.9.6.1 Locations where aboveground tanks are prohibited. is hereby

amended locally in the City of Maryville by adding the following geographical limits.

1. Residential District
2. Business and Transportation District
3. Environmental Conservation District
4. Central Community District
5. Single Family District
6. Office District
7. Neighborhood District
8. Central Business District
9. Washington Street Commercial Corridor
10. Office Transition Zone
11. Heritage Development Zone
12. Central Business District Support Zone
13. College Hill Historic District
14. High Intensity Commercial District
15. Oak Park Historic District
16. Estate Zone
17. High Density Residential
18. Institutional
19. High Intensity Retail District

(10) Chapter 57, Flammable and Combustible Liquids. Section 5706.2.4.4 Locations where aboveground tanks are prohibited. is hereby amended locally in the City of Maryville by adding the following geographical limits.

1. Residential District
2. Business and Transportation District
3. Environmental Conservation District
4. Central Community District
5. Single Family District
6. Office District
7. Neighborhood District
8. Central Business District
9. Washington Street Commercial Corridor
10. Office Transition Zone
11. Heritage Development Zone
12. Central Business District Support Zone
13. College Hill Historic District
14. High Intensity Commercial District
15. Oak Park Historic District
16. Estate Zone
17. High Density Residential
18. Institutional
19. High Intensity Retail District

(11) Chapter 58, Flammable Gasses and Flammable Cryogenic Fluids. Section 5806.2 Locations where above-ground tanks are prohibited. is hereby amended locally in the City of Maryville by adding the following geographical limits.

1. Residential District
2. Business and Transportation District
3. Environmental Conservation District
4. Central Community District
5. Single Family District
6. Office District
7. Neighborhood District
8. Central Business District
9. Washington Street Commercial Corridor
10. Office Transition Zone
11. Heritage Development Zone
12. Central Business District Support Zone
13. College Hill Historic District
14. High Intensity Commercial District
15. Oak Park Historic District
16. Estate Zone
17. High Density Residential
18. Institutional
19. High Intensity Retail District

(12) Chapter 61, Liquefied Petroleum Gases. Section 6104.2 Locations where above-ground tanks are prohibited. is hereby amended locally in the City of Maryville by adding the following geographical limits.

1. Residential District
2. Business and Transportation District
3. Environmental Conservation District
4. Central Community District
5. Single Family District
6. Office District
7. Neighborhood District
8. Central Business District
9. Washington Street Commercial Corridor
10. Office Transition Zone
11. Heritage Development Zone
12. Central Business District Support Zone
13. College Hill Historic District
14. High Intensity Commercial District
15. Oak Park Historic District
16. Estate Zone
17. High Density Residential
18. Institutional

19. High Intensity Retail District. (Ord. #98-28, Aug. 1998, as replaced by Ord. #2003-41, Oct. 2003, Ord. #2008-05, Feb. 2008, Ord. #2013-28, Dec. 2013, and Ord. #2018-31, Sept. 2018 *Ch17_2-5-19*)

7-202. Enforcement. The Fire Code shall be enforced by the fire chief or his designee who shall have the same powers as the state fire marshal. (1985 Code, § 7-202, as replaced by Ord. #2013-28, Dec. 2013, and Ord. #2018-31, Sept. 2018 *Ch17_2-5-19*)

7-203. Available in recorder's office. The Council of the City of Maryville hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. The fire code shall further be maintained and kept available in the city recorder's office for public use, inspection and examination throughout the time when it is in effect. (1985 Code, § 7-203, as replaced by Ord. #2013-28, Dec. 2013, and Ord. #2018-31, Sept. 2018 *Ch17_2-5-19*)

7-204. Violations and penalties. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of the fire code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Maryville or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bring the action(s) to enforce the provisions of this chapter. Further, a permit issued to a violator may be revoked. (1985 Code, § 7-204, as replaced by Ord. #2003-41, Oct. 2003, Ord. #2013-28, Dec. 2013, and Ord. #2018-31, Sept. 2018 *Ch17_2-5-19*)

7-205.--7-210. [Deleted.] (as deleted by Ord. #2013-28, Dec. 2013 *Ch17_2-5-19*)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records.

7-305. Chief responsible for training.

7-306. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the city manager and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1985 Code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1985 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1985 Code, § 7-303)

7-304. Records. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. (1985 Code, § 7-304)

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

7-305. Chief responsible for training. The chief of the fire department, shall be fully responsible for the training of the firemen. (1985 Code, § 7-305)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1985 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS**SECTION**

7-401. Equipment use.

7-401. Equipment use. No equipment of the fire department shall be used for fire fighting outside the corporate limits with the exception of use permitted under mutual aid agreements¹ or use authorized in the discretion of the fire chief. Equipment of the fire department may further be used:

- (1) If a fire is on city property; or
- (2) If, in the opinion of the fire chief, a fire is in proximity to property owned by or located within the city so as to endanger city property or property within the city; or
- (3) If expressly authorized by city council. (1985 Code, § 7-306, as replaced by Ord. #2009-22, May 2009)

¹State law reference

Tennessee Code Annotated, § 58-8-101 et seq.

CHAPTER 5

SMOKE DETECTORS

SECTION

- 7-501. Definitions.
- 7-502. Application to residential buildings.
- 7-503. Installation and operation.
- 7-504. Penalties.
- 7-505. Compliance.

7-501. Definitions. (1) "Approved smoke detector" means a device which senses visible or invisible particles of combustion and has been investigated and listed in accordance with standards prescribed by:

- (a) A nationally recognized and approved independent testing agency or laboratory, such as Underwriters' Laboratories' Standard for Single and Multiple Station Smoke Detectors (UL 217); or
- (b) An agency authorized to make independent inspections by the state fire marshal.

(2) "Hotel" means any building providing sleeping accommodations for guests, travelers, or semi-permanent residents. The term includes motels, inns, boarding homes, lodging homes, rooming houses, tourist homes, hotels, dormitories, and so-called apartment hotels.

(3) "Apartment building" means any building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name. The term does not include condominium projects.

(4) "Mobile home" means a movable self-contained living unit designed for year-round occupancy, designed for transportation such as a trailer with axles and wheels attached, whether or not such axles and wheels remain attached when in place, moved or towed by another vehicle. (1985 Code, § 7-401)

7-502. Application to residential buildings. (1) It shall be unlawful to own or operate a hotel without installing an approved smoke detector in every room of the building which is ordinarily used for sleeping purposes.

(2) It shall be unlawful to own or operate an apartment building without installing an approved smoke detector in every living unit within the apartment building. When activated, the detector shall initiate an alarm which is audible in the sleeping rooms of the unit.

(3) It shall be unlawful to offer for rent, sale, or lease any mobile home without installing an approved smoke detector in the living unit which is audible in the sleeping rooms of the unit. (1985 Code, § 7-402)

7-503. Installation and operation. (1) All smoke detectors required by this chapter shall be installed in accordance with the manufacturer's direction unless they conflict with applicable law.

(2) All smoke detectors required by this chapter may be wired directly ("hard wired") to the building's power supply, powered by a self-monitored battery, or operated with a plug-in outlet fitted with a plug restrainer device (provided the outlet is not controlled by any switch other than the main power supply).

(3) Any smoke detector required in an apartment building by this act shall be maintained by the tenant of the living unit where the smoke detector is located in accordance with the manufacturer's instructions. However, upon termination of a tenancy in a unit, the owner of the apartment building shall ensure that any required smoke detector is operational prior to reoccupancy of the unit.

(4) The owner or manager of a hotel shall be responsible for performance of such maintenance, repairs, and tests as are necessary to ensure that every smoke detector required in such hotel is operational at all times.

(5) The owner or manager of a mobile home shall be responsible for maintenance, repair, and tests to ensure that all smoke detectors in the units are operational at time unit is rented, leased, or sold.

(6) No alarm silencing switch or audible trouble silencing switch shall be provided unless its silenced position is indicated by a readily apparent signal. (1985 Code, § 7-403)

7-504. Penalties. (1) It shall be unlawful for any person to tamper with or remove any smoke detector required by this chapter, or a component thereof.

(2) Any person who violates any provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine of not more than \$500. Each occurrence constitutes a separate offense and shall be heard in city court as such. (1985 Code, § 7-404, modified)

7-505. Compliance. (1) The provisions of this chapter shall apply only to existing buildings and mobile homes as herein defined. Smoke detectors shall be installed and maintained in new buildings in accordance with applicable building construction safety standards.

(2) Compliance with this chapter shall not relieve any person from the requirements of any other applicable law, ordinance, rule, or regulation. (1985 Code, § 7-405)

CHAPTER 6

NATIONAL FIRE PROTECTION ASSOCIATION ONE UNIFORM FIRE CODE

SECTION

7-601. National Fire Protection Association One Uniform Fire Code adopted.

7-602. Penalties.

7-603. Available in recorder's office.

7-601. National Fire Protection Association One Uniform Fire Code adopted. Pursuant to authority granted by § 6-54-501 *et seq.* of the Tennessee Code Annotated, and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the National Fire Protection Association One Fire Code, 2018 edition, ("code") as prepared and adopted by the National Fire Protection Association is hereby adopted by reference in the corporate limits of the City of Maryville except as stated below:

Local Modifications:

(1) Chapter 1, Referenced Publications NFPA 5000, Building Construction and Safety Code, 2018 edition shall be deleted in its entirety without replacement.

(2) National Fire Protection Association 101 Life Safety Code Chapter 1, Administration Section 1.2 Purpose At the end of the section add:

"Exception: This Code shall not apply to detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories in height where each dwelling extends from the foundation to the roof, is open on at least two sides with each dwelling having a separate means of egress and their accessory structures as regulated by the International Residential Code for One- and Two-family Dwellings, 2018 edition."

(3) National Fire Protection Association 101 Life Safety Code Chapter 24 One and Two-Family Dwellings shall be deleted in its entirety without replacement.

(4) 1.10 - Fire Code Board of Appeals shall be deleted in its entirety and replaced as follows:

"Fire Code Board of Appeals.

A Board of Appeals is hereby established to rule on matters related to this Code and its enforcement. This Board shall be comprised of the Fire Chief and the City Manager as those persons may change from time to time. Their terms shall be indefinite. No member of the Board of Appeals shall sit in judgment on any case in which the member holds a direct or

indirect property or financial interest in the case. The Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this Code. The Board of Appeals shall provide for the reasonable interpretation of the provisions of this Code and issue rulings on appeals of decisions involving the enforcement of this Code. The ruling of the Board of Appeals shall be consistent with the letter of the Code or when involving issues of clarity, insuring that the intent of the Code is met with due consideration for public safety and firefighter safety. The Board of Appeals shall have authority to grant alternatives or modifications to procedures outlined in Section 1.4 of the Code. The Board of Appeals shall not have authority to waive requirements of the Code. Any person with standing shall be permitted to appeal a decision involving the Fire Code to the Board of Appeals when it is claimed that one of the following conditions exists:

- (1) The true intent of the Code has been incorrect interpreted.
- (2) The provisions of the Code do not fully apply.
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

An appeal shall be submitted to the Fire Chief in writing within 30 calendar days of a notification of a violation or a ruling about an issue relating to this Code. The appeal shall outline the nature of the appeal and the requested remedy. Meetings of the Board of Appeals shall be held at the time the Board of Appeals determines, and within 30 calendar days, of the filing of the notice of appeal. All hearings before the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member and any of its actions. A quorum shall consist of not less than two members. Every decision of the Board of Appeals shall be entered in the minutes of the Board meeting. A decision of the Board of Appeals shall be final subject to such remedy as the aggrieved party might have through legal, equitable or other avenues of appeal under state law of final decisions of administrative bodies." (Ord. #99-28, Aug, 1998, as replaced by Ord. #2003-43, Oct. 2003, Ord. #2008-06, Feb. 2008, Ord. #2013-29, Dec. 2013, and Ord. #2018-32, Sept. 2018 ***Ch17_2-5-19***)

7-602. Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official or of the permit or certificate used under provisions of this code shall be guilty of a civil offense and misdemeanor punishable pursuant to the general penalty clause of the city and as allowed under state and federal law. Each day that a violation continues after due notice has been served shall be deemed a separate offense regardless of whether a separate citation has been issued for each day of the violation. If the city

pursues legal action to enforce this code, any person or entity found in violation thereof shall pay the city's reasonable attorney fees and litigation costs in pursuing the action. Permits shall further be subject to revocation in the event of violation of this code. Permits shall further be subject to revocation in the event of violation of this code. (as added by Ord. #2003-43, Oct. 2003, and amended by Ord. #2013-29, Dec. 2013, and Ord. #2018-32, Sept 2018 *Ch17_2-5-19*)

7-603. Available in recorder's office. The Council of the City of Maryville hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501, et seq. have been or will be met by the time of the final passage of this ordinance. A copy of this code shall be maintained and kept available for public use, inspection and examination in the city recorder's office throughout the term when it is in effect. (as added by Ord. #2013-29, Dec. 2013, and replaced by Ord. #2018-32, Sept. 2018 *Ch17_2-5-19*)

CHAPTER 7

FIREWORKS REGULATED

SECTION

- 7-701. Manufacture prohibited.
- 7-702. Storage, sale and use restricted.
- 7-703. Use of fireworks restricted.
- 7-704. Special displays; permit required.
- 7-705. Penalty for violation.
- 7-706. Exceptions.

7-701. Manufacture prohibited. It shall be unlawful for any person, firm, partnership, or corporation to manufacture within the corporate limits of Maryville, Tennessee, pyrotechnics, commonly known as fireworks, of any kind or description. (as added by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*)

7-702. Storage, sale and use restricted. It shall be unlawful for any person, firm, partnership, or corporation to store for resale or sell in the corporate limits of Maryville, Tennessee, any pyrotechnics, commonly known as fireworks, except those fireworks classified as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage for resale and retail sale of fireworks shall be subject to the following restrictions:

(1) The storage for resale and retail sale of fireworks is permitted only on lots zoned to allow retail sales located adjoining U.S. Highway 321 or U.S. Highway 411 in the City of Maryville.

(2) Any person, firm, partnership, or corporation desiring to store and sell at retail fireworks within the corporate limits of the City of Maryville shall make application for a permit to do so on forms provided for that purpose by the city recorder. The application shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250.00). No permit shall be issued for any person under eighteen (18) years of age. All permits shall be for the calendar year and any fraction thereof except permits will not expire until January 2nd of the following year. The application shall include the name of the person making the application; the firm, partnership or corporation he represents; the business address of both the applicant and the partnership, firm or corporation he represents; the address and description of the premises where the storage and sale of fireworks is contemplated; sales tax numbers and any other information the city recorder deems pertinent to aid in the investigation of the application. The city recorder shall refer the applicant to the fire chief or his designee who shall interview the applicant if desired and inspect the premises on which the storage and sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to ensure that the premises and its operation by the applicant will not constitute a fire,

explosion, or similar safety hazard. If the fire chief approves the application, the city recorder shall issue a permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

(3) No fireworks shall be sold from an automobile or any other vehicle. No fireworks shall be sold through a drive-thru window. Fireworks must not be thrown into any vehicle when lit nor thrown from any vehicle at any time.

(4) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto to the fireworks is prohibited.

(5) The presence of lighted cigars, cigarettes or pipes within ten feet (10') of where fireworks are offered for sale or are stored is declared unlawful and prohibited.

(6) All places where fireworks are stored or sold, there must be posted the words "Fireworks. No smoking" in letters not less than four inches (4") high.

(7) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers. Fireworks may not be sold anywhere where any resin, turpentine, gasoline or other flammable substance is used, stored or sold.

(8) It shall be unlawful to offer for retail sale or to sell any fireworks to children under sixteen (16) years of age or to any intoxicated person.

(9) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, or public school. It shall be unlawful to explode or ignite fireworks within two hundred feet (200') of where fireworks are stored, sold or offered for sale.

(10) Fireworks may be sold each year exclusively from June 20--July 5 and from December 10--January 2. (as added by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*, and amended by Ord. #2019-02, Feb. 2019 *Ch17_2-5-19*)

7-703. Use of fireworks restricted. It shall be unlawful for any person to fire, set off, shoot, discharge or otherwise explode any fireworks within the corporate limits of the City of Maryville except as follows:

(1) Fireworks may be fired, set off, shot, discharged or exploded on a seasonal basis from June 20--July 5 and from December 10--January 2 and at no other time.

(2) Fireworks may only be fired, set off, shot, discharged or exploded on those dates listed above from 11:00 A.M. to 11:00 P.M. except that fireworks may be fired up until 1:00 A.M. on New Year's Day.

(3) Igniting and firing or exploding fireworks must be done entirely on private property unless otherwise permitted herein.

(4) Use of fireworks on all public streets, roadways, alleys, sidewalks, parks, parking lots, and public property within the City of Maryville is prohibited. (as added by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*)

7-704. Special displays: permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of

fireworks for public displays by holder of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Public displays shall be performed only under competent supervision and after the persons or organizations making such displays have applied for and received a permit first for such display issued by the state fire marshal. Applications to the city recorder for a permit for such public displays shall be made in writing at least ten (10) days in advance of the proposed display. The application shall show that proposed display is to be located and supervised so it is not to be hazardous to property and shall not endanger human lives. The application must be approved by both the fire chief and police chief of the City of Maryville before being issued by the city recorder. Permits shall be for a time and location limited on the permit and are not transferable. Such public display permits shall cost two hundred fifty dollars (\$250.00). (as added by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*)

7-705. Penalty for violation. An individual violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable pursuant to the general penalty clause of this code. Further, the fire chief or any police officer may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored, held or used in violation of this chapter. (as added by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*)

7-706. Exceptions. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation. This chapter shall further not apply to the military of the United States or any peace officers. Further, this chapter shall not be read to prohibit the sale or use of blank cartridges for ceremonial, theatrical or athletic events. Sale or use of fireworks solely for agricultural purposes is permitted where approved by the state fire marshal. (as added by Ord. #2018-43, Dec. 2018 *Ch17_2-5-19*)